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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/811,583 | 03/29/2004 | Jay S. Walker | 03-068 | 2063 |
| 22927 7590 04/17/2007 WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905 | | | EXAMINER SAGER, MARK ALAN | |
| | | | ART UNIT 3714 | PAPER NUMBER |
| | | | MAIL DATE 04/17/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/811,583

Applicant(s)

WALKER ET AL.

Examiner

M. A. Sager

Art Unit

3712

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): judicially created obviousness double patenting.
6. ☒ Newly proposed or amended claim(s) 17 (33-34 remain allowable as well) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 33 and 34.
Claim(s) objected to: 17.
Claim(s) rejected: 15, 16 and 35-45.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


M. A. Sager
Primary Examiner
Art Unit: 3712

Continuation of 3. NOTE: new claimed features claims 35 and 46-52; also, claims 46-52 new without cancellation of same number of added claims. also has not shown with citations from originally filed specification where such features as claim 35 or 51-52 is taught.

Continuation of 11. does NOT place the application in condition for allowance because: although applicants may be their own lexicographer, in this application, the claim language was not defined within the specification that precludes normal definition of terminology used. further, claims may be interpreted in light of the specification but features/steps are not read into (incorporated by reference) claim scope so as to either limit or define its boundaries. also, it is noted examples provided in applicants specification are merely examples and do not limit or define scope of claims. regarding claim 15 (paraphrased), generating a plurality of outcomes at a single (where first and second terms are temporal distinctions or some other distinction such as primary and bonus game) or multiple gaming devices includes generating a single outcome and as stated in final incorporated herein, claim language includes or fails to preclude conventional gaming device operation such that receipt of first & second input from first & second player at first & second gaming device includes a single player at same device or single player playing two gaming devices [where first and second player is same player] or two different players playing same or two different devices whereby based upon input from first and second player [which may be same or different player] generating a single outcome comprising a plurality of indicia as conventional operation. To state alternatively, claim 15-16 fails to preclude conventional gaming device operation at either a single or a plurality of gaming devices operated by either a same single or two different players. discussion above incorporated herein for claim 35 except claim 35 requires first and second device to be different devices, but which still includes first and second player can be same single player or two different players. also, regarding claim 35 (paraphrased), outputting on the display an indication of the outcome does not require display of the outcome, but merely an indication of the outcome, thus enable/disable feature or award of bonus is an indication of an outcome. thus, if an outcome at another Piechowiak machine enables its feature, an indication at any of the gaming devices in the bank of gaming devices receives indication of enabled feature